



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 13 अगस्त, 2001/22 श्रावण, 1923

हिमाचल प्रदेश सरकार

OFFICE OF THE MUNICIPAL COUNCIL SHRI NAINA DEVI JI, DISTRICT
BILASPUR (H. P.)

NOTIFICATION

Shri Naina Devi Ji, the 7th July, 2001

No. 19 MCND (35)/99-I-1216.— In view of the Draft Bye-laws relating to control and regulate the beating of drums and playing of gramophones and loud-speakers within the limits of Municipal Council Shri Naina Devi Ji, now stand approved and confirmed by the State Government *vide* letter No. UD-A (3)-6/2000, dated 22-6-2001. the Municipal Council Shri Naina Devi Ji, District Bilaspur (H. P.) is pleased to notify the following bye-laws made under section 198 of the H. P. Municipal Act, 1994 read with section 219 of the H. P. Municipal Act, 1994 (Act No. 13 of 1994) having been approved and confirmed by the State Government as required under section 217 of the said Act are hereby published for general information of the public and shall come into force within the limits of Municipal Council, Shri Naina Devi, District Bilaspur, Himachal Pradesh from the date of publication of this notification in the H. P. Government Rajpatra, namely:—

1. *Short title and commencement.*—(i) These bye-laws may be called the Municipal Council Shri Naina Devi Ji (to control and regulate beating of drums or tomtom blowing of horn or trumpet or sounds any brass or other instruments or utensil) Bye-laws, 2001.

(ii) They shall come into force from the date of publication in the Rajpatra, Himachal Pradesh.

2. *Definitions.* (1) In these bye-laws, unless the context otherwise requires,—

(a) "Act" means the Himachal Pradesh Municipal Act, 1994 (Act No. 13 of 1994);

(b) "Band" means Dhol ;

(c) "Beating of Drum" means and shall include beating of drum or tomtom, blows horn or trumpet or beats or sounds any brass or utensil ;

(d) "Form" means form appended to these Bye-laws ;

(e) "Licence" means a licence granted under these Bye-laws ;

(f) "Licensing Authority" means the Executive Officer appointed under section 305 (1) of the Act ; and

(g) "Municipal Council" means the Municipal Council Shri Naina Devi Ji.

(2) The words and expressions used but not defined in these bye-laws shall have the same meaning as assigned to them in the Act.

3. *Beating of Drums etc.*—(1) No person shall beat a drum or other instrument within the Municipal limits of Shri Naina Devi Ji without a valid licence issued by the Municipal Council.

4. *Conditions for Grant of Licence* (1) Any person may make an application in Form-I for a licence for beating of drums and playing of instruments which can be obtained free of cost from the office of the Municipal Council.

(2) Any person or band party, while beating the drum or while playing any instrument, shall not produce loud noises, and shall keep the sound as low that the same should not be heard outside the shop/premises where it is installed.

Explanation: To determine whether the sound is being produced loudly not, the licensing authority shall be the sole Judge.

(3) The Licensing Authority shall issue the licence to the applicant in Form II.

(4) Right to prohibit the use of any instrument or beating of any drum or playing any instrument shall be reserved with the Municipal Council.

5. *Fees.* (1) The licence fee for beating of any drum shall be rupees five per day per member of the band party.

(2) For playing of any other instrument the licence fee shall be rupees five per day per instrument or rupees fifty per month, per instrument,

6. *Renewal of Licence.* The licence shall be valid for one year, and thereafter the same may be renewed for another period of one year in the manner provided in bye-laws 4 & 5.

7. *Cancellation of the Licence.* If the licensing authority is satisfied that any licensee is violating any of the conditions of the licence then a notice shall be served

upon him directing not to violate the conditions of the licence. In case of non-compliance of the notice, and after affording an opportunity of being heard to the licensee, the licensing authority shall forthwith cancel the licence.

8. *Appeal.* (1) When licence is cancelled by the licensing authority, the aggrieved licensee, if so desire can appeal to the Municipal Council within seven days from the date of cancellation of the licence. The Municipal Council, if satisfied, shall give one and last chance with warning or with fine of minimum of rupees twenty five and maximum of rupees two hundred to the defaulter licensee with the direction not to violate the conditions of licence in future.

(2) If the licensee again violates the conditions of licence, then the licensing authority shall cancel the licence forthwith and no appeal shall be therefrom.

9. *Contravention of bye-laws.*—Any contravention of these bye-laws shall be punishable with a fine which shall not be less than twenty five rupees and more than two hundred rupees and when the breach is a continuing one, with a further fine of ten rupees for every day after the first during which the breach continues.

Sd/-

Executive Officer,

Municipal Council, Shri Naina Devi Ji.

FORM-I

(See bye-laws 4)

To

The Executive Officer (Licensing Authority),
M. C., Shri Naina Devi Ji.

Subject. Application for licence for the beating of drum or playing of instrument.

Sir,

I We want to beat drum play instrument (description of instrument).....
.....at.....for the period from.....
to.....Kindly grant me a licence for this purpose. I We have deposited
a sum of Rs.as licence fee and a copy of the receipt is enclosed herewith.
I shall abide by the conditions of the licence.

Signature of Applicant with address.

FORM-II

(See bye-laws 4)

1. Name of applicant
2. Address
3. Location where the applicant shall put the instrument
or beat the drum etc.
4. Description of drums/instrument etc.
5. Licence granted. In case rejected (give brief reasons)
6. Validity period

Dated.....

Seal.

Signature of Licensing Authority.

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